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EXAMINER

FASTOVSKY, LEONID M

ART UNIT PAPER NUMBER

3742

DATE MAILED: 03/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

Office Action Summary	Application No. 10/809,026	Applicant(s) TAYLOR, THOMAS D.	
	Examiner Leonid M. Fastovsky	Art Unit 3742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,5,9-14 and 16-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5,9-14 and 16-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Allowable Subject Matter

1. The indicated allowability of claims 12-15 and 20-23 is withdrawn in view of the newly discovered reference(s) to Job, Manning, Cayley, Skinner, Waters, Carlston and Marks. Rejections based on the newly cited reference(s) follow.

Claim Objections

2. Claims 1 and 24 are objected to because of the following informalities: it should include words "said frame" after word "though" in line 2 in claim 1, and in line 3 in claim 24. Also, the word "inferred" in claim 24 should read as "infrared". Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 3, 5 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 3 recites the limitation "reflectors" in line 5. There is insufficient antecedent basis for this limitation in the claim.

6. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap

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between the elements. See MPEP § 2172.01. The omitted elements are: the dot is missing in the end of the claim.

7. Claim 9 recites the limitation "reflectors" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1, 3, 5, 9-10, 13 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waters (3,085,350) in view of Marks (2,090,371).

Waters teaches a trim-article heater to heat the trim comprising a base 11, a stand 12 with a top 10, an open frame 25 made out of smoothly curved tubing 26, 27 that allows air and infrared heat to pass through the frame, and directs heat towards the top, sides front and back of the seat- article trim, a heater 21 attached to the top of the base 11 and adapted such that the seat-article trim can be stretched tightly over the frame 25, an inherent means to deliver power to the infrared – radiant electric heater 21.

As for claim 24, Waters teaches a fan 23.

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Further, Waters discloses a reflector 22 having a flared section to direct the infrared heat upward towards the top of the seat trim and a guard 14,16 to protect the reflector 22 and the infrared lamp 21.

However, Waters does not disclose a switch and a set of lamps. Marks discloses a heating device comprising a switch 26 and set of heater coils 21 (Fig. 7).

It would have been obvious to one having ordinary skill in the art to modify Waters's invention to include a switch to turn the heater on and off and a set of the lamps as taught by Marks in order to provide more efficient heating and also for redundancy in case one of the heaters is going bad.

10. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Waters in view of Marks and further in view of Job.

Waters in view of Marks discloses substantially the claimed invention, but does not disclose a pivotal attachment of the base to the stand. Job discloses a trim heater 100 having a base 16 pivotably mounted to a stand 12 (Fig. 2). It would have been obvious to one having ordinary skill in the art to modify the invention of Waters in view of Marks to include a pivotal attachment as taught by Job in order to have a better control over trim being placed on and off the frame.

11. Claims 16-18 and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waters in view Marks and further in view of Cayley (4,117,309).

Waters in view of Marks discloses substantially the claimed invention, but does not disclose a hollow reflector and a means for controlling the amount of power. Cayley discloses a heater 24 having a reflector 32 with holes.

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It would have been obvious to one having ordinary skill in the art to modify the invention Waters in view of Marks to include holes in their reflector as taught by Cayley in order to provide more efficient heating.

As for claims 16-18, Cayley discloses a temperature setting device 56 with thermostats 46 and 48. It would have been obvious to one having ordinary skill in the art to modify the invention of Waters in view of Marks to include the temperature setting device with thermostats as taught by Cayley as a means for controlling the interval of time the power reaches the heater in order to prevent deforming of the seat trim by overheating.

12. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Waters in view of Marks and further in view of Job (6,153,862).

Waters in view of Marks discloses substantially the claimed invention, but does not disclose a pivotal attachment of the base to the stand. Job discloses a trim heater 100 having a base 16 pivotably mounted to a stand 12 (Fig. 2). It would have been obvious to one having ordinary skill in the art to modify the invention of Waters in view of Marks to include a pivotal attachment as taught by Job in order to have a better control over the trim being placed on and off the frame.

13. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Waters in view of Marks and Job and further in view of Manning (4,529,109).

Waters in view of Marks and Job discloses substantially the claimed invention including the pivotal attachment, but does not disclose wing nuts and hole arrangements with pins. Manning discloses a trim-collar stretching apparatus comprising a base 10 and wing nuts a bolts to secure spreaders 22 and 24 (col.

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2, lines 60-67). It would have been obvious to one having ordinary skill in the art to modify the invention of Waters in view of Marks and Job to include wing nuts to secure a pivotal attachment of the base to the stand, and also provide hole on the side of the base and the pin going through the hole in order to secure the frame in various angle positions to ease heating of the trim and taking it off as necessary.

14. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Waters in view of Marks and Job and further in view of Cayley.

Waters in view of Marks discloses substantially the claimed invention, but does not disclose amount of power and the interval time. Cayley discloses a temperature setting device 56 with thermostats 46 and 48. It would have been obvious to one having ordinary skill in the art to modify the invention of Waters in view of Marks to include the temperature setting device with thermostats as taught by Cayley as a means for controlling the interval of time the power reaches the heater in order to prevent deforming of the seat trim by overheating.

15. Claims 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waters in view of Marks and further in view of Carlston (2,668,431).

Waters in view of Marks discloses substantially the claimed invention, but does not disclose heating by steam. Carlston discloses a trim- sleeve heater (col. 1, lines 1-5) comprising a base 44, a stand 10, an electric heater 14 and a steam heater 21 (col. 3, lines 60-73).

It would have been obvious to one having ordinary skill in the art to modify the invention of Waters in view of Marks to include a switch and steam heating as

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taught by Carlston in order to have a better control over the seat trim by heating and moistening the seat trim being placed on and off the frame.

16. Claims 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waters in view of Marks and Carlston and further in view of Cayley.

Waters in view of Marks discloses substantially the claimed invention, but does not disclose a hollow reflector. Cayley discloses a trim-towel heater comprising a hollow reflector 26 with holes 27. It would have been obvious to one having ordinary skill in the art to modify the invention of Waters in view of Marks and Carlston to include a hollow reflector as taught by Carlston in order to have a better control over the seat trim by directing the heated air through the holes of the reflector and to the seat trim.

Response to Arguments

17. Applicant's arguments with respect to claims 1, 3, 5, 9-14 and 16-26 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonid M Fastovsky whose telephone number is 571-272-4778. The examiner can normally be reached on M-Th. 8.00 am -6.00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 571-272-4777. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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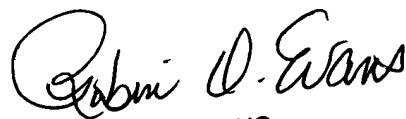
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Leonid M Fastovsky
Examiner
Art Unit 3742

lmf

3/17/06



ROBIN EVANS
SUPERVISORY PATENT EXAMINER

3/20/06